

From the INTERNATIONAL SEARCHING AUTHORITY

To: ERIC B. MEYERTONS  
CONLEY, ROSE & TAYON, P.C.  
P. O. BOX 398  
AUSTIN, TX 78767

PCT

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT  
OR THE DECLARATION

(PCT Rule 44.1)

Applicant's or agent's file reference 5259-03701	Date of Mailing (day/month/year) <b>27 MAR 2001</b>
International application No. PCT/US01/00724	FOR FURTHER ACTION See paragraphs 1 and 4 below  International filing date (day/month/year) 08 JANUARY 2001
Applicant Spinal Concepts, Inc.	

1. ☒ The applicant is hereby notified that the international search report has been established and is transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

**When?** The time limit for filing such amendments is normally 2 months from the date of transmittal of the international search report; however, for more details, see the notes on the accompanying sheet.

**Where?** Directly to the International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland  
Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.  
☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Further action(s):** The applicant is reminded of the following:

Shortly after 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in rules 90 bis 1 and 90 bis 3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later).

Within 20 months from the priority date, the applicant must perform the prescribed acts for entry into the national phase before all designated Offices which have not been elected in the demand or in a later election within 19 months from the priority date or could not be elected because they are not bound by Chapter II.

Name and mailing address of the ISA/US  
Commissioner of Patents and Trademarks  
Box PCT  
Washington, D.C. 20231

Facsimile No. (703) 305-3230

Authorized officer

PEDRO PHILOGENE

Telephone No. (703) 308-2252

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 5259-03701	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/US01/00724	International filing date (day/month/year) 08 JANUARY 2001	(Earliest) Priority Date (day/month/year) 06 JANUARY 2000
Applicant Spinal Concepts, Inc.		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

2. ☐ Certain claims were found unsearchable (See Box I).

3. ☐ Unity of invention is lacking (See Box II).

4. With regard to the title,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☐ the text is approved as submitted by the applicant.

☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No. 1

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☒ because this figure better characterizes the invention.

☐ None of the figures.

## Box III TEXT OF THE ABSTRACT (Continuation of item 5 of the first sheet)

A spinal plate system (20) and method for fixation of the human spine is provided. In an embodiment, the spinal fixation system (20) includes a plate (22), a coupling member (30), a locking system (116) for substantially locking the coupling member (30) in a desired position, and an anchoring system (100) to secure the coupling member in the locking system (116). The plate (22) may have hole (24) that allows the coupling member (30) to couple to the plate (20) with a bone. At least a portion of the coupling member (30) may swivel in the hole so that the bottom end of the member may extend at a plurality of angles substantially oblique to the plate (22). The locking system (116) may lock the coupling member (30) in desired position relative to the plate (22). The anchoring system (100) may secure the coupling member (30) in the locking system (116) to inhibit the coupling system from detaching from the locking system when stressed. An assembly tool (114) may be used to engage and disengage the anchoring system (100) during the installation or removal of the spinal fixation system.

**A. CLASSIFICATION OF SUBJECT MATTER**

IPC(7) :A61B 17/56

US CL :606/61

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 606/61,69,71,70,72,73,60; 411/413,399,412,414

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

WEST

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X -- Y	US 5,954,722 A (BONO) 21 SEPTEMBER 1999, SEE ENTIRE DOCUMENT.	1-4,32-35, 37-57,59,60,118-130 ----- 36,58
Y	US 5,501,684 A (SCHLAPFER ET AL.) 26 MARCH 1996, SEE ENTIRE DOCUMENT.	36,58
A	US 5,904,683 A (POHNDORF ET AL) 18 MAY 1999, SEE ENTIRE DOCUMENT.	1-131
A	US 5,735,853 A (OLERUD) 7 APRIL 1998, SEE ENTIRE DOCUMENT.	1-131
A	US 5,053,036 A (PERREN ET AL.) 1 OCTOBER 1991, SEE ENTIRE DOCUMENT.	1-131

☒ Further documents are listed in the continuation of Box C.
 ☐ See patent family annex.

* Special categories of cited documents:	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"A" document defining the general state of the art which is not considered to be of particular relevance	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"E" earlier document published on or after the international filing date	"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"&" document member of the same patent family
"O" document referring to an oral disclosure, use, exhibition or other means	
"P" document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search

14 FEBRUARY 2001

Date of mailing of the international search report

27 MAR 2001

 Name and mailing address of the ISA/US  
 Commissioner of Patents and Trademarks  
 Box PCT  
 Washington, D.C. 20231

Facsimile No. (703) 305-3230

Authorized officer

PEDRO PHILOGENE

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C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 5,607,428 A (LIN) 4 MARCH 1997, SEE ENTIRE DOCUMENT.	1-131
A	US 4,388,921 A (SUTTER ET AL.) 21 JUNE 1983, SEE ENTIRE DOCUMENT.	1-131